

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

O.P.No. 26352 of 1999(K)

PETITIONERS:

1. SUDARSANAN, THITTAVILA VEEDU
KILIMANOOR, PRESIDENT, PAZHAYAKUNNEL,
KILIMANNOOR
2. P.MANOJ, NETTIKATTIL HOUSE,
OOMANPALLIKARA, KILIMANOOR
3. A.R.NAZEER, RASIA MANZIL,
VAZODE, THATTATHUMMALA, KILIMANOOR
4. N.PRAKASHAN, RETNAVILASOM, KILIMANOOR
5. P.SHIHABUDEEN, SASTHAMKUNNIL VEEDU
NELIKUZHI, ADAYAMON, KILIMANOOR
6. G.PRASANNA KUMARI, SUBHA MANDIRA
CHAMPAKASSERY, MATTATHAUMALA, KILIMANOOR
7. V.SASIDHARAN PILLAI, NEDUMPADHA PUTHENVEEDU,
CHARUPURA, KILIMANOOR.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY JOINT
SECRETARY TO GOVERNMENT, GOVERNMENT OF
KERALA, THIRUVANANTHAPURAM.
2. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

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3. ASSISTANT REGISTRAR (ADMINISTRATION)
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

4. PAZHAYAKUNNUMEL SERVICE CO-OPERATIVE BANK
LIMITED, KILIMANOOR.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ KUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.NO.26352/1999

ORDER ON C.M.P.NO.44495 OF 1999 IN O.P.NO.26352 OF 1999

Dismissed.

Sd/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the Notice No.C.R.P.(1)3922/96 dated 5.8.1996 of the first respondent.

Ext.P2: True copy of the Notice No.1/97 dated 25.4.1998 of the 2nd respondent.

Ext.P3: True copy copy of the explanation dated 13.5.1998 submitted by the first petitioner before the 2nd respondent.

Ext.P4: True copy of the notice No.CRP(2) dated 25.6.1998 of the 2nd respondent.

Ext.P5: True copy of explanation dated 5.7.1998 submitted by the first petitioner before the 2nd respondent.

Ext.P6: True copy of the order dated 19.6.1998 passed by this Honourable Court in CMP 19034/98 in O.P.9922/98.

Ext.P7: True copy of the judgment dated 18.9.1998 passed by this Honourable court in O.P.No.16904/98.

Ext.P8: True copy of the order dated 21.10.98 passed by this Honourable Court in CMP 35615/98 in CMP 33565/98 in O.P.No.19029/98.

Ext.P9: True copy of the order No.CRP(2)4231/96 dated 30.11.1998 passed by the 2nd respondent.

Ext.P10: True copy of the appeal filed by the petitioners before the respondent.

Ext.P11: True copy of the order No.G.O.(Rt)No.436/99/Co-Op. Dated, 30-9-1999 of the first respondent.

// True copy //
P.A. to Judge

KURIAN JOSEPH, J.

O.P.NO.26352 OF 1999

JUDGMENT

Dated 2nd April, 2000

KURIAN JOSEPH, J.

O.P.NO.26352 OF 1999

Dated this the 2nd day of April 2007

JUDGMENT

Challenge is on Exts.P9 and P11 orders passed by the Joint Registrar and the Government respectively under the provisions of the Kerala Co-operative Societies Act, 1969. The power is exercised by the Joint Registrar under Section 68(2) of the Act. One of the specific grounds stated in the writ petition is that the petitioners were not given an opportunity before the Joint Registrar and that the order is passed in naked violation of the statutory safeguard and the principles of the natural justice. An attempt was made in appeal before the Government in Ext.P10 appeal. The Government has not adverted to the merits of the case and what is stated is only that the Joint Registrar has completed all the formalities. There is no counter affidavit.

2. In the above circumstances, it is only appropriate that the Joint Registrar passes fresh orders with notice and opportunity to the petitioners to defend the proposed action.

I quash Exts.P4 and P9 with a direction to the second respondent to pass fresh orders in the matter after affording opportunity for hearing to the petitioners. This shall be done within a period of three months from the date of receipt of a copy of this judgment.

Accordingly, this writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

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